



## **INDEPENDENT EDUCATIONAL EVALUATIONS GUIDELINES** **NEW MILFORD PUBLIC SCHOOLS**

### **Introduction**

The New Milford Public School District ["District"] has established the following procedure for a parent or guardian [hereinafter, "parent"] obtaining an Independent Educational Evaluation for children with educational disabilities or for children who are referred to the Planning and Placement Team ["PPT"] for a suspected educational disability who may, therefore, be in need of special education services, consistent with state and federal law, regulations and guidance.

The District employs certified staff such as psychologists, special education teachers, school social workers, occupational therapists, physical therapists, and speech and language pathologists for the purpose of evaluating students with special education needs. When recommending evaluations for the purpose of determining a student's possible eligibility for special education, or for the purpose of determining their continued eligibility for special education, or for any other purpose, the PPT has the legal right to have such evaluations administered by the appropriate District staff members.

On occasion, the PPT may deem it appropriate to recommend an evaluation by an evaluator who is not employed by the District. An example of this is when the PPT determines that a psychiatric evaluation is necessary for a complete assessment of the student. As the District does not employ a psychiatrist, the psychiatric evaluation would have to be performed by an outside evaluator. Nonetheless, the PPT has the legal right to select the evaluator.

In some instances, when parents disagree with the results of an assessment administered by an evaluator selected by the PPT, they may wish to exercise their rights pursuant to their *Procedural Safeguards in Special Education* to obtain an Independent Educational Evaluation ["IEE"] from an appropriately qualified evaluator who is not employed by the District.

Regardless of whether recommended by the PPT to conduct an evaluation -- or selected by parents to administer an IEE -- outside evaluators and their evaluations ***must meet all*** of the criteria established by the District. In the event that the evaluation does not meet the following criteria (including the exceptions set forth herein), the parent may still obtain the evaluation, and the PPT will consider the resultant reports, but the evaluation will not be publicly funded.

### **DEFINITION**

An Independent Educational Evaluation ["IEE"] is an evaluation conducted by a qualified examiner who is not employed by the school district. Such an IEE may be requested when the District has already conducted an evaluation of the student and the parent or guardian disagrees with that evaluation.

## PROCEDURE

An assessment that the PPT recommends be conducted by an outside evaluator follows the same process as is in place for evaluations that are administered by District staff. The parent's consent is required both for evaluations conducted by District staff and for those administered by outside evaluators recommended by the PPT.

If the parent disagrees with the evaluation conducted by/on behalf of the District, the parent may have the right to obtain an IEE at District expense. Such a request must be made either at a PPT meeting, or made in writing and should be submitted to the District's Director of Student Services.<sup>1</sup> Upon a parent's request for an IEE, the District will respond in one of the following ways, consistent with federal and state law, and the Connecticut State Department of Education guidelines (and timelines) regarding IEEs ([January 31, 2003 \(ct.gov\)](#)):

- The District will agree to an IEE at public expense.
- The District will decline the request for an IEE and will instead initiate a due process hearing to show that its evaluation of the student is appropriate.

If the parent is not entitled to an IEE at public expense, either because the conditions for an IEE at public expense have not been met, or because a hearing officer determines that the District's evaluation was appropriate, the parent may still obtain an independent evaluation, but it will be at their own expense.

The District will explain that the parent is not entitled to an IEE at public expense either because the District is entitled to conduct its own evaluation of the student, or the parent has already obtained an IEE at public expense as a result of a previous disagreement with the same District evaluation.

However, when a parent disagrees with the District's evaluations (whether initial or triennial) because the student was not assessed in a particular area, the parent has the right to request an IEE to assess the student in that area. When a parent requests an IEE because the student was not assessed in a particular area during the District's previous evaluations, a District may not conduct its own evaluation in the given area prior to granting the parent's request for an IEE.

In order to facilitate its decision-making process, the District may ask the parent to explain the reason for the request in order to have more information upon which to make a decision to grant or deny the request, or in order to focus the evaluation request on the area of disagreement. However, the parent will not be required to provide a reason, and if the parent refuses to provide a reason, the request will be promptly granted or denied on the basis of the available information.

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<sup>1</sup> If the request is made during a PPT meeting, the District does not have to provide an answer to the parent's request at that time. Although the PPT may review the request during the meeting, the District may inform the parent of its decision regarding the IEE at public expense subsequent to the PPT meeting, provided that the decision is made without unnecessary delay.

### Criteria for Outside Evaluators (Independent Evaluators and Evaluators Selected by District)

Evaluators chosen to conduct outside evaluations, including IEEs must meet **all of** the criteria established by the District as follows:

#### A. Minimum Credentials for Evaluators

The evaluators selected by a parent must satisfy *all* of the following criteria that is set forth in the relevant area of expertise. In addition, any and all independent evaluators selected by a parent must:

1. **PROMPTNESS:** Be able to schedule and complete an evaluation in a timely manner. While the State Department of Education has opined its position that “IEE criteria requiring that the IEE report be provided within a certain timeframe is inconsistent with a parent’s right to an IEE,” 1) federal and state regulations and statutes concerning the evaluation and identification of students with disabilities are dependent upon timelines, and 2) the District expects its own staff to timely evaluate students, and the law expressly permits the District to apply its own criteria for evaluators to those conducting an IEE. As such, while not required per se, it is generally expected that as a matter of courtesy and respect to the parents, the student, and District staff, and in order to be able to adequately considered and implemented in a timely manner, an evaluator should at the very least be generally expected to produce a written report within one hundred and eighty (180) calendar days of the date parents provide written consent, subject to any contractual arrangement with the District or unusual circumstances which justify an extension of this timeline.
2. Have experience and the necessary knowledge to administer the most recent iterations or editions of the applicable and relevant testing protocols.
3. Have training and experience in evaluating students for purposes of making ***education-related*** recommendations.

In addition, certain qualifications are required based upon the profession at issue, such as:

#### **Psychological Evaluations**

1. Hold a valid Connecticut Department of Public Health license as a psychologist.
2. Have earned and been awarded a Doctor of Philosophy [“Ph.D.”] or Doctor of Psychology [“Psy.D.”] in Counseling Psychology or Clinical Psychology from an accredited university.
3. Have training and experience in evaluating students of the same age level as the student being evaluated.
4. Have a clinical background, advanced training, and recent experience in the areas of disability being evaluated.

### **Neuropsychological Evaluation**

A professional who uses the title Neuropsychologist must have adequate specialty level training as this is not a legally regulated title or practice area. Thus, the District requires that the evaluator:

1. Have earned and been awarded a Doctor of Philosophy (Ph.D.), Doctor of Education (Ed.D.) or Doctor of Psychology (Psy.D.) in School Psychology, Counseling Psychology, or Clinical Psychology from an accredited university.
2. Hold a valid Connecticut Department of Public Health license as a psychologist.
3. Have served a post-doctoral fellowship in Neuropsychology for two (2) years at an approved facility.
4. Have three (3) years of professional experience in neuropsychology after attaining licensure, working with children and adolescents.

**Optional:** District certification from the American District of Professional Psychologists [“ABPP”], American District of Clinical Neuropsychologists [“ABCN”], or the American District of Pediatric Neuropsychologists [“ABPN”].

### **Psycho-Educational Evaluations**

1. Hold a Master’s degree from an accredited university and appropriate specialist level degree (e.g. Sixth year professional Diploma) in School Psychology from an accredited university.
2. Possess a Professional Educator Certificate in School Psychology (Endorsement 070) from the State of Connecticut Department of Education.
3. Minimum five (5) years full-time supervised professional experience beyond any internship or practicum experience in a public school setting.

Or:

Fulfill the above-specified requirements for a Psychological or Neuropsychological Evaluation.

### **Psychiatric Evaluation**

1. Hold a medical degree (M.D.) from an accredited university.
2. Have clinical training in child and adolescent psychiatry.
3. Hold in good standing a valid license by the State of Connecticut Department of Public Health.
4. Be District certified by the American District of Psychiatry and Neurology in the specialty area of Child and Adolescent Psychiatry.

### **Medical Evaluation**

1. Hold a medical degree (M.D.) from an accredited university.

2. Have clinical training in field of specialty required for evaluation or pediatrics, as applicable.
3. Hold a valid license issued by the State of Connecticut Department of Public health in good standing.
4. Be District certified by the appropriate agency in pediatrics or the appropriate field of specialty in which the evaluation is sought.

### **Occupational Therapy Evaluation**

1. Possess at the minimum a Bachelor's degree from an accredited university and have graduated from an educational program accredited by the American Occupational Therapy Association.
2. Hold in good standing a valid license issued by the State of Connecticut Department of Public Health.
3. Have clinical experience in evaluating and treating children and/or adolescents in the area of disability under evaluation.

### **Physical Therapy Evaluation**

1. Have graduated from a school of physical therapy approved by the District of Examiners for Physical Therapists.
2. Hold a valid license issued by the State of Connecticut Department of Public Health in good standing.
3. Have clinical experience in evaluating and treating children and/or adolescents in the area of disability under evaluation.

### **Speech and Language Evaluation**

1. Possess at a minimum a Master's degree and appropriate specialist level training (e.g. Sixth Year Degree) in speech and language pathology from a program accredited by the American Speech-Language Hearing Association.
2. Hold in good standing a valid license issued by the State of Connecticut Department of Public Health.
3. Have clinical experience in evaluating and treating children and/or adolescents in the area of disability under evaluation.
4. Hold a current Certificate of Clinical Competence ["CCC"] in good standing from the American Speech-Language Hearing Association ["ASHA"].

### **Educational/Achievement Evaluation**

1. Possess a Master's degree from an accredited university and appropriate specialist level degree (e.g. Sixth year professional Diploma) in Special Education from an accredited university; and
2. Hold a Professional Educator Certificate in Special Education from the State of Connecticut Department of Education; and

3. Possess at a minimum three years full-time supervised professional experience beyond any internship or practicum experience in a public school setting.

### **Functional Behavioral Assessment**

*[PLEASE NOTE: A recent court case has concluded that FBAs are not evaluations for purposes of the IEE requirement. Nevertheless, and without waiving the District's rights, the following are minimum requirements for an FBA.]*

Possess at the minimum the requirements set forth above for Psychological or Neuropsychological Evaluators;

Or

Hold a valid license issued by the State of Connecticut Department of Public Health in good standing, certification in good standing as a Board Certified Behavior Analyst ["BCBA"], including possessing at a minimum a Master's degree in Applied Behavior Analysis ["ABA"] from an accredited university.

### **B. COSTS**

Absent exceptional circumstances, fees charged for evaluations must, in the District's judgment, not exceed what is reasonable and customary in the community, as reflected in the attached fee schedule/cost guidelines. Evaluators will be asked to provide an estimate of evaluation costs and if necessary, to conform them to the expectations of the District for fees (as reflected in the attached fee schedule/cost guidelines). Refusal to comply may disqualify the evaluator. The parents may request specific cost information from the District about the evaluation at issue (and the District's determination of the reasonable/customary/maximum allowable costs). In addition, the parent may be permitted to demonstrate that unique circumstances justify the selection of an independent evaluator whose fees fall outside the cost criteria, and the District will duly consider such a request.

1. **Payment:** The District, upon receiving a request for payment or reimbursement for an IEE will forward an acknowledgement letter to the parent within ten (10) business days, along with this regulation. Any further information needed by the District to reach a decision regarding payment will be requested in the letter. A copy of the evaluation report, if completed, must be attached to the bill for reimbursement. The bill should also include a breakdown of dates and costs (e.g., record review, client interview, test administration, etc.).
2. The proposed evaluation must be free of any conflict of interest. The evaluator must not be an employee of the District. Likewise, evaluators who are proposed to conduct *independent* evaluations must have no treating or familial relationship with the student at issue, nor with the parents or other members of the student's family.

3. The evaluator must be permitted to directly communicate with school staff who work with the child in school and the members of the PPT, including the Director of Student Services, as well as to obtain information from the school and share information with the school.
4. The evaluator must obtain and consider school information and observations of the child in the school setting in the evaluation process and the written report. Unless otherwise determined by the members of a child's PPT, the evaluator must observe the child in one or more school settings. The evaluator must make at least one contact with the child's general education teacher for the purpose of determining how the student is progressing in the general curriculum. In addition, evaluators are expected to make additional contacts with other involved general or special education teachers, and related service providers.
5. The evaluator must agree to provide the assessment information and results, including the results of teacher and parent checklists and surveys, in a written report to the District prior to receipt of payment for services.
6. The evaluator must comply with all applicable confidentiality requirements under state and federal law. The evaluator must comply with all guidelines required under the Individuals with Disability Education Act ["IDEA"] and the Connecticut State Department of Education regulations regarding the evaluation of children with disabilities, including but not limited to the

- the use of a variety of assessment tools and strategies administered in compliance with the test protocols issued by the manufacturer for each standardized assessment tool;
- the use of assessment tools administered in the student's native language or other mode of communication and in the form most likely to yield accurate information;
- the use of instruments used for the purpose for which the assessments or measures are valid and reliable, the use of instruments by an individual properly trained in the use of the instrument; and
- the use of instruments tailored to address specific areas for educational needs.

Where standardized tests are to be used, they must be validated for the purpose for which they are used, administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of such tests and the data must be included in the evaluation report (standard/raw scores, percentile rankings and any other relevant data). A portion of the evaluation must consider the student's natural educational environment, content of the child's individualized educational program (if an IEP has been drafted for the student) and must consider the District staff's input.

7. Notwithstanding the foregoing criteria, a parent may demonstrate unique circumstances to justify the use of an independent evaluator that does not meet the IEE criteria. Since students must be assessed in all areas related to suspected disability, there may be situations in which some students may need evaluations conducted by an evaluator who does not meet District criteria. If the evaluator chosen by a parent does not meet the

District's IEE criteria and the District believes there is no justification for choosing an evaluator that does not meet its criteria, the District is still required to, without unnecessary delay, either demonstrate in a due process hearing that the evaluator does not meet its IEE criteria or ensure that the IEE is provided at public expense.

It is the responsibility of the independent evaluator to contact the building principal or Director of Student Services to arrange dates of classroom observations and discussions with school staff and to send a copy of their state certification/licenses to the Director of Student Services prior to the initiation of the evaluation, if the District does not already have such information on file.

Evaluators must restrict their evaluations to their specific area of expertise and may not opine on matters outside of their specific area of expertise. Evaluators are expected to address the specific educational needs of the student (including making recommendations on educational interventions and strategies that will assist the student to achieve appropriate educational progress), with such recommendations to be considered by the Planning and Placement Team meeting.

#### Availability and Consultation Requirement

A copy of the completed IEE report should be shared with the parent and the District at the same time. As part of the post-evaluation process, a meeting with the parent and a District representative should take place to review the evaluation report. If the parent is invited to a post-evaluation meeting to review the evaluation, District staff must also participate in such a meeting. In the event of questions concerning the evaluator's written report or evaluation/test results, the evaluator **must** make himself or herself available to District staff to respond to questions, including questions concerning the standardized administration of test instruments.

The District has no financial responsibility for any post-evaluation meetings the evaluator may choose to have with a parent except as otherwise noted below.

A PPT meeting must be scheduled to review and consider the IEE report. The results of an independent evaluation procured by the District will be considered at a PPT meeting. However, the PPT is not required to implement the recommendations in the IEE report. The evaluator's participation is not required at the PPT meeting as long as the District includes a participant who can interpret the implications of the evaluations results (although parents may retain the right to invite the evaluator on their own and at their own expense, if not invited by the District).

Notwithstanding the foregoing, should the PPT request an evaluator's attendance at a PPT meeting, the evaluator should be available and willing to attend the PPT meeting to review the results of his or her evaluation and to discuss educational implications of the evaluation.

#### Location Limitations for Evaluators

Evaluators who will be considered for approval must be located within a radius of seventy-five miles. Evaluators outside of this geographic area will be approved only on an exceptional basis, provided that the parent can demonstrate the necessity of using personnel outside of this geographic area. The District shall not be responsible to provide transportation, nor pay any



travel expenses, to and from the location of the evaluator. In the case of low incidence or severe disabilities where qualified evaluators may not exist in the geographic area, this requirement may be reconsidered by the District.

#### Outside Evaluations Which are Not IEEs

Evaluations and/or assessments obtained by parents which do not meet the criteria for an IEE are considered outside evaluations for which parents are not entitled to reimbursement or payment from a public school district. Nonetheless, if a parent decides to unilaterally obtain an outside evaluation and to share the results of such evaluation with the District, the District will consider the evaluation at an IEP meeting, as appropriate.

#### Questions

Please contact the Director of Student Services with any questions regarding the criteria for independent educational evaluations.

## **FEE SCHEDULE FOR INDEPENDENT EDUCATIONAL EVALUATIONS**

General cost guidelines are as follows:

Psychological/Psycho-educational Evaluations	\$2,000-\$4,500
Neuropsychological Evaluation	\$4,000-\$6,000
Psychiatric Evaluation	\$3,500-\$5,500
Medical Evaluation	\$1,000-\$1,500
Educational Evaluation	\$2,000-\$2,500
Occupational/Physical Evaluation	\$1,000-\$2,500
Speech and Language Evaluation	\$2,000-\$2,500